

Local Determinations
Individuals with Disabilities in Education Improvement Act (IDEA 2004)

The document is intended to provide detailed information about the local determinations process used by the Indiana Department of Education (IDOE) as an important component of its Continuous Improvement Focused Monitoring System (CIFMS). It also provides information about the consequences associated with these local determinations.

The Individuals with Disabilities Education Improvement Act (IDEA 2004) requires states to make annual determinations on the performance of each local education agency (LEA) in implementing the requirements and purposes of the IDEA 2004, with regard to the provision of special education and related services. Determinations are a way of designating the status of local districts into one of the following four categories, as outlined in Section 616(d) of IDEA 2004:

- **Meets Requirements** and purposes of IDEA 2004;
- **Needs Assistance** in meeting the requirements and purposes of IDEA 2004;
- **Needs Intervention** in meeting the requirements and purposes of IDEA 2004; and
- **Needs Substantial Intervention** in meeting the requirements and purposes of IDEA 2004.

States are required to make local determinations based on data collected for indicators identified by the United States Department of Education's Office of Special Education Programs (OSEP). There are 20 indicators, divided into two categories: compliance indicators (which measure compliance with requirements of IDEA 2004) and performance indicators (which measure results for students with disabilities).

States may consider LEA outcomes on performance indicators; however, states are required, at a minimum, to consider the following data when making local determinations:

- Indicators 9 and 10: Disproportionality
- Indicator 11: Initial Evaluation Timelines
- Indicator 12: Part C to Part B Transition
- Indicator 13: Post Secondary Transition Planning
- Indicator 15: General Supervision – Uncorrected Noncompliance
- Indicator 20: Timely and Accurate Data
- In addition, OSEP directs that states must consider audit findings with regard to the use of Part B funds.

The IDOE makes local determinations using a 5 point system. The IDOE develop scenarios for each indicator, giving different weight and value to various levels of performance. Once the IDOE defined each scenario for the applicable indicators, it presented these scenarios to the State Advisory Council (SAC) for feedback and guidance. The number of points received in each category will be averaged in order to identify the overall local determination category. Indicators that are "Not Applicable" for a particular LEA will not be calculated in the average. For example, Indicator 13: Secondary Transition Planning will be "Not Applicable" to an LEA who did not have a student 14 years of age or older.

Consequences

IDEA 2004 specifies the enforcement actions that the IDOE may take after making local determinations. Enforcement actions are applicable in the following circumstances: when an LEA is identified as “Need Assistance” for two consecutive years, when an LEA is identified as “Need Intervention” for three or more consecutive years, or immediately when an LEA is identified to be in “Need of Substantial Intervention.”

The IDOE has elected to use the same enforcement mechanisms as those delineated in IDEA 2004, which are as follows:

Meets Requirements

When the IDOE determines that an LEA “meets requirements,” and will likely take no further action, but is not restricted from taking actions it deems necessary to ensure that the LEA continues to meet the requirements and purposes of IDEA 2004.

Needs Assistance

When the IDOE determines for **two consecutive years** that an LEA “needs assistance”, the IDOE will take one or more of the following enforcement actions:

- Advise the LEA of available sources of technical assistance such as assistance in identifying and implementing professional development, instructional strategies, and methods of instruction that are based on scientifically based research, or
- Identify the LEA as a high-risk grantee and impose special conditions on the LEA’s grant under Part B of the IDEA.

Needs Intervention

When the IDOE determines for **three consecutive years** that an LEA “needs intervention,” the IDOE may take any of the actions described under “needs assistance,” as well as, one or more of the following enforcement actions:

- Require the LEA to prepare a corrective action plan or improvement plan, if the IDOE determines that the LEA should be able to correct the problem within one year, or
- Withhold or delay, in whole or in part, any further payments to the LEA under Part B of the IDEA 2004.

Needs Substantial Intervention

When the IDOE determines that an LEA “needs substantial intervention,” the IDOE may take any of the actions described above, as well as, take the following enforcement action:

- Withhold or delay, in whole or in part, any further payments to the LEA under Part B of the IDEA 2004.

The IDOE is not restricted from utilizing any other enforcement action to monitor and enforce the requirements of Part B of the IDEA 2004.